

Senate File 2358

S-5180

1 Amend Senate File 2358 as follows:

2 1. By striking everything after the enacting clause
3 and inserting:

4 <Section 1. Section 22.7, subsection 11, paragraph
5 a, Code 2014, is amended to read as follows:

6 a. Personal information in confidential personnel
7 records of government bodies relating to identified or
8 identifiable individuals who are officials, officers,
9 or employees of the government bodies. However, the
10 following information relating to such individuals
11 contained as of or after January 1, 2004, in personnel
12 records shall be public records:

13 (1) The name and compensation of the individual
14 including any written agreement establishing
15 compensation or any other terms of employment
16 excluding any information otherwise excludable from
17 public information pursuant to this section or any
18 other applicable provision of law. For purposes
19 of this paragraph, "*compensation*" means payment of,
20 or agreement to pay, any money, thing of value, or
21 financial benefit conferred in return for labor or
22 services rendered by an official, officer, or employee
23 plus the value of benefits conferred including but
24 not limited to casualty, disability, life, or health
25 insurance, other health or wellness benefits, vacation,
26 holiday, and sick leave, severance payments, retirement
27 benefits, and deferred compensation.

28 (2) The dates the individual was employed by the
29 government body.

30 (3) The positions the individual holds or has held
31 with the government body.

32 (4) The educational institutions attended by the
33 individual, including any diplomas and degrees earned,
34 and the names of the individual's previous employers,
35 positions previously held, and dates of previous
36 employment.

37 (5) The fact that the individual resigned in lieu
38 of termination, was discharged, or was demoted as
39 the result of a final disciplinary action upon the
40 exhaustion of all applicable contractual, legal, and
41 statutory remedies, and the documented reasons and
42 rationale for the resignation in lieu of termination,
43 the discharge, or the demotion. For purposes of this
44 subparagraph, "*demoted*" and "*demotion*" mean a change of
45 an employee from a position in a given classification
46 to a position in a classification having a lower pay
47 grade.

48 **Sec. 2. NEW SECTION. 22.13B Executive branch**
49 **bonuses — disclosure.**

50 1. For purposes of this section:

1 *a. "Bonus pay"* means any additional remuneration
2 provided an employee in the form of a bonus, including
3 but not limited to a retention bonus, recruitment
4 bonus, exceptional job performance pay, extraordinary
5 job performance pay, exceptional performance pay,
6 extraordinary duty pay, or extraordinary or special
7 duty pay, and any extra benefit not otherwise provided
8 to other similarly situated employees.

9 *b. "Executive branch employee"* means an employee
10 of the executive branch of state government, which
11 includes any unit of state government, including
12 but not limited to an authority, board, commission,
13 committee, council, department, or independent
14 agency as defined in section 7E.4, and each principal
15 central department enumerated in section 7E.5; the
16 office of the governor; and the office of an elective
17 constitutional or statutory officer.

18 2. A decision to provide bonus pay to an executive
19 branch employee, including the amount paid and the
20 documented reasons and rationale for the bonus paid,
21 shall be a public record.

22 3. All decisions to provide bonus pay to an
23 executive branch employee, including information
24 described in subsection 2, shall be made easily
25 accessible to the public on an internet site maintained
26 as follows:

27 *a.* For decisions to provide bonus pay to an
28 employee of the executive branch, excluding an employee
29 of the state board of regents or institution under
30 the control of the state board of regents, by the
31 department of administrative services.

32 *b.* For decisions to provide bonus pay to an
33 employee of the state board of regents or institution
34 under the control of the state board of regents, by the
35 state board of regents.

36 Sec. 3. **NEW SECTION. 70A.35 Personnel settlement**
37 **agreements — public employers.**

38 1. For purposes of this section:

39 *a. "Personnel settlement agreement"* means a binding
40 legal agreement between an employee and the employee's
41 state employer to resolve a personnel dispute including
42 but not limited to a grievance. *"Personnel settlement*
43 *agreement"* does not include an initial decision by an
44 employee's immediate supervisor concerning a personnel
45 dispute or grievance.

46 *b. "State employer"* means any of the following:

47 (1) The executive branch of state government,
48 to include a unit of state government, which is an
49 authority, board, commission, committee, council,
50 department, or independent agency as defined in section

1 7E.4, including but not limited to each principal
2 central department enumerated in section 7E.5; the
3 office of the governor; and the office of an elective
4 constitutional or statutory officer.

5 (2) The general assembly, or any office or unit
6 under its administrative authority.

7 (3) The judicial branch, as provided in section
8 602.1102.

9 2. Personnel settlement agreements shall not
10 contain any confidentiality or nondisclosure
11 provision that attempts to prevent the disclosure of
12 the personnel settlement agreement. In addition,
13 any confidentiality or nondisclosure provision
14 in a personnel settlement agreement is void and
15 unenforceable.

16 3. The requirements of this section shall not be
17 superseded by any provision of a collective bargaining
18 agreement.

19 4. All personnel settlement agreements shall be
20 made easily accessible to the public on an internet
21 site maintained as follows:

22 a. For personnel settlement agreements with an
23 employee of the executive branch, excluding an employee
24 of the state board of regents or institution under
25 the control of the state board of regents, by the
26 department of administrative services.

27 b. For personnel settlement agreements with an
28 employee of the state board of regents or institution
29 under the control of the state board of regents, by the
30 state board of regents.

31 c. For personnel settlement agreements with an
32 employee of the judicial branch, by the judicial
33 branch.

34 d. For personnel settlement agreements with an
35 employee of the general assembly, by the general
36 assembly.

37 Sec. 4. IMPLEMENTATION PROVISION. This Act shall
38 not be construed to limit or impair the ability of law
39 enforcement personnel to investigate any activity that
40 may violate the laws of the state.

41 Sec. 5. EFFECTIVE UPON ENACTMENT. This Act, being
42 deemed of immediate importance, takes effect upon
43 enactment.

44 Sec. 6. RETROACTIVE APPLICABILITY. The section of
45 this Act amending section 22.7, subsection 11, applies
46 retroactively to all information described in section
47 22.7, subsection 11, paragraph "a", subparagraphs
48 (1) through (5), as amended by this Act, relating to
49 information of such individuals contained as of or
50 after January 1, 2004, in personnel records.>

1 2. Title page, by striking lines 1 through 3 and
2 inserting <An Act concerning public employee bonuses,
3 personnel settlement agreements and disciplinary
4 actions, and including effective date and retroactive
5 applicability provisions.>

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